

### **REMARKS**

This Amendment amends claim 1, cancels claims 2-6, 12 and 28-35, and adds new claims 36-43.

#### **Independent Claims 1, 36 and 40**

Claim 1, as amended, recites determining which file to delete based on file size of the respective file. New claims 36 and 40 recite a related limitation, of deleting data files that are larger than a predetermined threshold.

These limitations are related to that of canceled dependent claim 12, but are not suggested by the Beresin reference (at [0026]) cited against claim 12. Although Beresin deletes a sufficient number of data files to make room for an incoming file, he does not suggest that a file being deleted should individually meet a size criteria as claimed. Therefore, base claims 1, 36 and 40 are patentable over the cited prior art.

#### **Independent Claim 42**

New claim 42 recites designating a location in memory from which files should NOT be deleted when freeing memory space to store a received message, even if the files meet a preselected criteria that would otherwise qualify them for deletion.

This limitation is related to the limitation of claim 14, but is not suggested by the Flanagan reference (col. 1, lines 56-60) cited against claim 14. Although Flanagan's disclosure of deleting stale calendar data implies avoiding deleting newer calendar data, this does not suggest avoiding deleting a file based on its location as claimed. Therefore, claim 42 is patentable over the prior art of record.

#### **Dependent Claims 7-11, 13-27, 37-39, 41 and 43**

The remaining claims all depend from base claims that are patentable over the prior art as explained above. The limitations that the dependent claims add to the base claims distinguish them further from the prior art. Therefore, the dependent claims, also, are patentable.

The application is therefore now be in condition for allowance, and allowance is requested.

Respectfully submitted,

*Mitchell Rose*

---

Mitchell Rose (Reg. No. 47,906)

JONES DAY

901 Lakeside Ave.

Cleveland, OH 44114

(216)586-7094

Date: 5/29/07